

DOCKET NO. 0189-2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ramsingh et al.) Examiner: Wortman, D.
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Application No.: 09/879,572) Art Unit: 1648
)
Filed: 6/12/2001)
)
For: COXSACKIEVIRUS B4)
EXPRESSION VECTORS AND)
USES THEREOF)

Commissioner for Patents
Washington D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Pursuant to the Restriction Requirement mailed August 28, 2002, the Office is alleging that the application includes claims drawn to ten distinct inventions. Applicants thank the courtesies extended by the Examiner to their representative during the telephone discussion of September 26, 2002. In light of the discussion, Applicants provisionally elect group VI (claims 18, 20-23, 28 and 29) drawn to a nucleic acid encoding the genome of a recombinant coxsackievirus B4 and a heterologous polypeptide expressed as an amino-terminal fusion of the viral polyprotein. In further view of the telephone discussion, Applicants propose to include group III (claims 1, 3-6 and 13-17) drawn to recombinant attenuated CB4-P in which a heterologous polypeptide expressed as an amino-terminal

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fusion of the viral polyprotein with this provisional election. Specifically, during the telephone discussion, it was agreed that the election of a nucleic acid claim group could include an election of a corresponding virus claim group. Accordingly, Applicants respectfully request that both groups III and VI be examined on the merits.

In addition, Applicants submit that this provisional election should be made to further include group II (claims 1 and 3-12) and group V (claims 18, 20-27 and 30-36). In particular, group II is drawn to a drawn to recombinant attenuated CB4-P in which a heterologous polypeptide expressed as an internal fusion of VP1, while group V is drawn to a nucleic acid encoding the genome of a recombinant coxsackievirus B4 and a heterologous polypeptide expressed as an internal fusion of VP1. The only distinction between groups III and VI and groups II and V is where the sequence is inserted. It is respectfully submitted that the subject matter of any of these groups would encompass a search for the subject matter of the remaining groups. Thus, it is respectfully submitted that the search and examination of each of these groups could be made without serious burden. See MPEP §803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). Accordingly, Applicants respectfully requests examination of groups II, III, V and VI on the merits.

Applicants further submit that, as agreed upon during the telephone discussion, the allowance of any of the virus or nucleic acid groups will result in election/allowance of the corresponding method groups. If the Examiner believes that anything further is necessary to address the Restriction Requirement, or to put the application in condition for allowance, the Examiner is invited to contact the Applicants' representative at the telephone number indicated below.

Respectfully submitted,



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Date: September 30, 2002

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